

AG Contract KR882638TRD
ECS File: JPA 88-89
Project: H0957 01C
Section: Red Rock Park

INTERGOVERNMENTAL AGREEMENT

BETWEEN

THE ARIZONA DEPARTMENT OF TRANSPORTATION

AND

YAVAPAI COUNTY, ARIZONA

THIS AGREEMENT is entered into December 15 1988, between the ARIZONA DEPARTMENT OF TRANSPORTATION, hereinafter referred to as "ADOT", and YAVAPAI COUNTY, ARIZONA, hereinafter referred to as "COUNTY".

WHEREAS, ADOT is empowered by Sections 28-108, 11-952, and 28-1822(A)(8) Arizona Revised Statutes, to enter into this agreement, and has, by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and the Director of the Arizona Department of Transportation has delegated to the undersigned the authority to execute same on behalf of ADOT; and

WHEREAS, COUNTY is empowered by Section 11-251.29, Arizona Revised Statutes, to enter into this agreement, and acting by and through its Board of Supervisors, has, by resolution, a copy of which is attached hereto and made a part hereof, resolved to enter into this agreement and has authorized the undersigned the authority to execute same on behalf of County, and

WHEREAS, this is an agreement between ADOT and the COUNTY defining responsibilities of ADOT and COUNTY in designing and constructing improvements to Yavapai County Route 81, (RED ROCK LOOP ROAD), (RED ROCK STATE PARK ACCESS ROAD) from US 89A to the Red Rock State Park.

THEREFORE, the parties hereto agree as follows:

NO. 13538
FILED WITH SECRETARY OF STATE
Date Filed 12-15-88
Jim Shumway
Secretary of State
By B. J. Vermillion

SCOPE OF WORK

1. According to ADOT standards and specifications and at its own cost, ADOT shall design, call for bids, award one or more construction contracts and administer the contract(s) for improvements to the Red Rock State Park access road from US 89A (sta 0+00) to the Red Rock State Park (sta 167+08.46). COUNTY shall provide to ADOT design information as required and necessary permits allowing for the contemplated construction.

2. The estimated cost of these improvements is \$2,000,000.

3. ADOT shall acquire in the name of the COUNTY additional rights of way for purposes of construction where necessary. The COUNTY herein authorizes ADOT to condemn rights of way in the name of the COUNTY, as necessary to accomplish said acquisition. COUNTY shall accept any right of way acquired by ADOT.

* 4. Upon completion of construction and as a part of its normal roadway maintenance program, the COUNTY shall provide maintenance of said park access road from US 89A (sta 0+00) to the Red Rock State Park (sta 167+08.46).

It is further agreed by and between the parties hereto that:

THIS AGREEMENT shall remain in full force and effect until completion of said projects; provided, however, that this agreement may be cancelled at any time by either party prior to the commencement of work by ADOT, upon 30 days written notice to the other party.

All parties hereto acknowledge that this agreement is subject to cancellation by the Governor pursuant to the provisions of Section 38-511, Arizona Revised Statutes.

In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth for public works contracts in Section 12-1518 (b) and (c) of Arizona Revised Statutes, as amended.

Attached hereto and made a part hereof is a copy of ADOT's Resolution authorizing entry into this agreement, a copy of COUNTY'S resolution authorizing entry into this agreement, the Yavapai County Attorney's approval, and the Arizona Attorney Generals approval as to form.

All parties hereto recognize that the provisions of Section 35-214, Arizona Revised Statutes, are applicable to this agreement.

THIS AGREEMENT shall become effective on the date of filing with the Arizona Secretary of State.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

STATE OF ARIZONA
COUNTY OF YAVAPAI

by Gladys Gardner

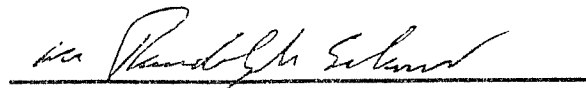
Gladys Gardner, Chairman
Board of Supervisors

STATE OF ARIZONA
DEPARTMENT OF TRANSPORTATION

by Gary K. Robinson
GARY K. ROBINSON
Chief Deputy State Engineer

ATTORNEY CERTIFICATE

The undersigned, as legal counsel for Yavapai County, does hereby certify that ADOT Project No. VLT-900-938 is in proper form and within the powers and authority granted Yavapai County under Arizona state statutes.

A handwritten signature in cursive script, appearing to read "M. Randolph Schurr", is written over a horizontal line.

M. Randolph Schurr
Yavapai County
Deputy County Attorney

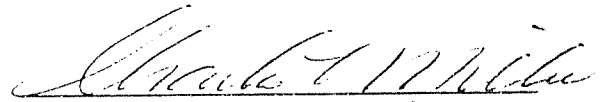
Red Rock State Park
U.S. 89A & Red Rock Loop Road
Forest Service Highway 216

ECS File: JPA 88-89
Project: H0957 01C
Section: Red Rock Pk
Access Road

RESOLUTION

BE IT RESOLVED on this 27th day of October 1988, that I, CHARLES L. MILLER, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Highways Division, enter into an agreement with the Yavapai County, Arizona for the purpose of installing improvements at Red Rock State Park access road.

THEREFORE, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted for approval and execution by the Chief Deputy State Engineer.


CHARLES L. MILLER, Director
Arizona Department of
Transportation

1204j

CERTIFIED COPY OF ENTRY IN OFFICIAL MINUTES
OF THE YAVAPAI COUNTY BOARD OF SUPERVISORS

YAVAPAI COUNTY)
) ss:
ARIZONA)

Ann-Lawrie Aisa, having been first duly sworn, deposes and says:

I am the duly appointed, qualified and acting Clerk of the Yavapai County Board of Supervisors and in such capacity under the provisions of ARS Section 11-241 am charged with the responsibilities, among others, of recording all proceedings of the Board and maintaining custody of such records of the Board as are required by law to be maintained. Among the records of which I have custody is the official minute book of the Board of Supervisors which under the provisions of ARS Section 11-217 is required to be made and kept.

Set forth below is a copy of an entry in the aforesaid minute book of which, as aforesaid, I am the officer having the legal custody. This is my certificate under the provisions of Rule 44 (g), Rules of Civil Procedure, and the Uniform Business Records Act, that the said copy is a true and correct copy thereof, to which I attest by my signature subscribed hereunto:

DATE of meeting of which the minutes are a record: November 21, 19 88.

The entry in the said minutes:

The Board considered an intergovernmental agreement with the Arizona Department of Transportation for the Red Rock Loop Road project in the Sedona area. County Engineer Jerry Mumford told the Board that this project to improve Red Rock Loop Road was proposed by the Arizona Department of Transportation and would benefit the park. He said that the \$2 million project would not cost the County anything, but that he wanted to be sure that the road is built to at least minimum County standards, and that this intergovernmental agreement would allow the project, scheduled for completion in 1989, to go ahead. Supervisor Mauldin moved to approve the intergovernmental agreement and to authorize the Chairman to sign it. Supervisor Gardner seconded the motion, which carried by unanimous vote.

Ann-Lawrie Aisa
Ann-Lawrie Aisa, Clerk

SUBSCRIBED AND SWORN to before me December 1 19 88

MY COMMISSION EXPIRES:

My Commission Expires Oct. 22, 1992

Beverly J. Stedman
Notary Public

Attorney General

1275 WEST WASHINGTON

Phoenix, Arizona 85007

Robert K. Corbin

INTERGOVERNMENTAL AGREEMENT


DETERMINATION

A. G. Contract No. KR8826381R0, is an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 12th day of December, 1988.

ROBERT K. CORBIN
Attorney General


Assistant Attorney General
Transportation Division